

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 9021 OF 2003.

Municipala Corporation of
Greater Mumbai and Anr. ... Petitioners.

V/s.

Shri Nana Bhagoji Shetye. ... Respondent.

R.A.Malandkar i/b. V.K.Khatu
for the petitioners.

None for the respondent.

CORAM: V.C.DAGA, J.

DATED: 21st April 2006.

P.C. :

Heard learned counsel for the petitioner.

This petition is directed against the order dated 19th August, 2002. The petition is filed somewhere in December, 2003. Since then the petition is pending for admission. On 1st March, 2004, when this matter was listed before learned single Judge (H.L.Gokhale, J.), the leaned counsel for the petitioner sought time to take instruction as to whether the petitioner- Corporation would like to proceed with the departmental enquiry or

would like to go by the decision of the Session Court. Notice was made returnable on 29th March, 2004. Notice issued has not yet been served on the respondent by the petitioner- Corporation. Corporation is satisfied merely by paying process charges.

2. Here is a case where a respondent- workman was caught red-handed while accepting bribe. A criminal prosecution is pending against him. In the meanwhile, the respondent- workman appears to have approached the Industrial Court under the MRTU and PULP Act contending that suspension order has not been revoked in spite of considerable long time. Consequently, the Industrial Court was pleased to direct the petitioner- Corporation to complete departmental enquiry within six months from the date of the order. It was expected on the part of the Corporation to complete the enquiry proceeding and inflict punishment on the respondent- workman in accordance with law and on the basis of evidence to be brought before the Enquiry Officer. It appears that the petitioner- Corporation has not complied with this order of the Industrial Court within time specified. In absence of any stay order it was, obviously, expected on the part of the petitioner- Corporation to comply with the impugned order. One fails to understand as to why the Corporation has shown such

a lenient attitude and soft approach towards the respondent. However, as on date, there is no material on record to suggest whether or not the impugned order has been complied with by the petitioner- Corporation. In absence of any material, this Court can only examine the impugned order and legality thereof.

3. Having examined the legality and reasonableness of the impugned order, in my view, no case is made out to interfere with the impugned order. The petition is, therefore, liable to be dismissed.

4. As a matter of fact, the impugned order was most reasonable and legal order which was practically in favour of the petitioner- Corporation. One fails to understand why the Corporation has preferred this petition. However, ends of justice would be met by dismissing the petition.

5. The petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)